

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**COMMENTS OF CITY OF CLOVIS, CALIFORNIA**

City of Clovis, California files these Comments in support of the comments filed by the National League of Cities ("NLC") and the National Association of Telecommunications Officers and Advisors ("NATOA"). Clovis is opposed to regulations that would interfere with the City's existing authority over franchising. Clovis is in a position to issue timely local franchises to new entrants into the video services field, just as Clovis has for established cable services providers since 1967. The following information about our community is provided to aid the Commission in its decision making.

**Cable Franchising in Our Community**

**Community Information**

Clovis is a rapidly growing city in California's Central Valley with a population of approximately 86,000 persons. Clovis is directly east of the City of Fresno and the two cities comprise a population in excess of 500,000. Our franchised cable provider is Comcast of Fresno, Inc. (Comcast) that serves both Clovis and Fresno, although each city has a separate franchise.

**Cable Systems in the City of Clovis**

Clovis currently has a non-exclusive franchise agreement with Comcast to provide cable television services to City residents. The City initially issued this franchise in 1967. Through a series of transfers over the years, Comcast acquired the franchise in 2002. Clovis promptly responded to all transfer requests.

Comcast's predecessor completed technological upgrades to the system. These upgrades allow Comcast to provide high speed Internet to most areas of the City. Clovis is working with Comcast to ensure that this service is made available to all areas of the City.

Clovis recently updated its Cable Communications System Ordinance (August 2005) to reflect current technology and changes in the law. The ordinance specifically provides for a non-exclusive system and allows for competition among video service providers.

Comcast's franchise was initially set to expire December 31, 2004. Clovis and Comcast have agreed to defer negotiation regarding renewal of the franchise so that Comcast and Fresno could first complete their franchise renewal. Expiration of the existing franchise is now scheduled to expire on December 31, 2006. Comcast and Clovis have worked cooperatively together. Clovis is ready, willing, and able to negotiate renewal of the

Comcast franchise, and has dedicated the resources needed to accomplish this in a timely manner.

Clovis has only recently been approached by a competitive provider to provide service. Preliminary proposals have been centered on providing video, Internet, and other data transmission services to new residential subdivisions. No formal application for a franchise has been made.

### **The Need to Continue With Existing Local Franchising Authority**

Clovis uses its franchising authority to ensure that Comcast and any other local providers of video cable service are allowed access to Clovis' rights of way in a fair and evenhanded manner and that other users of the rights of way are not unduly inconvenienced. Local cable franchising ensures that our community's specific needs are met and that local customers are protected.


It is imperative that Clovis retains control over the use of its rights of way so that streets and other City facilities are properly maintained without undue burdens on the community's taxpayers. Through the franchising process, Clovis also ensures that the City's zoning and other health, safety, and welfare standards are satisfied.

The City is experienced at working with cable providers to ensure that the needs of the local community are met while at the same time considering the practical business needs of cable providers. Matters of local interest should remain within the control of the community. It is impossible for a new federal bureaucracy in Washington, as is proposed, to handle matters of specific local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as well as for existing cable service providers.

The City of Clovis, California therefore respectfully requests that the Commission do nothing to interfere with local government's authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing federal law with regard to either existing cable service providers or new entrants.

Sincerely,



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February 13, 2006

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